Distr.
GENERAL

E/C.12/Q/COL/2
13 December 2000

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
4-8 December 2000

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the fourth periodic report of Colombia concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/4/Add.6)

I. GENERAL INFORMATION

A. Land and people

1. Although the report and the core document (HRI/CORE/Add.56/Rev.1) provide some data on demographic characteristics, the Committee would welcome more detailed information concerning the population, by gender and age group, as well as its evolution over the past five years.

2. The Committee wishes to receive information concerning the geographic distribution, living conditions and composition, by gender and age group, of the indigenous population (estimated at 1.7 per cent of the total population in paragraph 1 of the core document) and the Afro-Colombian population (4 per cent).

3. Please provide detailed information on the effective measures adopted by the State party to combat the high level of violence, lawlessness and corruption in Colombia, and to ensure that those who commit crimes are held accountable for them.

4. Bearing in mind the steady growth in the number of internally displaced persons, the Committee would also welcome information concerning their location within Colombia and living conditions (education, health and housing), and about effective measures adopted by the State party to improve their situation, as well as up-to-date information on their numbers, characteristics and distribution by gender and age group.

B. General legal framework for the protection of human rights

5. Can the provisions of the International Covenant on Economic, Social and Cultural Rights be applied directly under Colombia's legal system?

6. Please provide information as to whether the rights enshrined in the International Covenant on Economic, Social and Cultural Rights can be invoked in the courts and whether there is any case law in this respect.

7. Please indicate the State party's position concerning the recommendation of the World Conference on Human Rights on the adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

8. In accordance with the decision to give effect to its follow-up procedure in respect of the consideration of periodic reports, the Committee would like to receive a detailed account of the specific measures adopted to implement the Committee's recommendations, as set out in paragraphs 21 to 30 of its concluding observations on Colombia's third periodic report (E/C.12/1995/12); the activities of the Office for Human Rights and of the Defensoría del Pueblo (Office of the Ombudsman); and the role played by the protection (tutela) mechanism established by the Constitution in safeguarding economic, social and cultural rights.

C. Information and publicity relating to the rights recognized in the International Covenant on Economic, Social and Cultural Rights and in other international instruments

9. Please provide updated information on the measures taken by the State party to inform the public at large, including indigenous people and Afro-Colombian populations, and civil servants, lawyers, judges and law enforcement officials in particular, with regard to rights contained in the Covenant.

10. Please indicate to what extent NGOs participated in the preparation of the report.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 1.2. The right of peoples freely to dispose of their natural wealth and resources

11. Please provide detailed information on the measures taken by the State party to ensure that peasants and indigenous and tribal people recover their ancestral lands that have been expropriated, or to secure compensation where they have agreed to such expropriation.

Article 2.1. International cooperation

12. Please indicate whether the State party ensures that its obligations under the Covenant are taken fully into account when it enters into negotiations concerning international assistance, technical cooperation and other arrangements with international organizations, in particular with the international financial institutions.

Article 2.2. Non-discrimination

13. What are the measures taken by the State party to address the problem of the murders of human rights defenders and the practice of "social cleansing" carried out against, inter alia, street children, the poor, indigenous people, prostitutes and homosexuals?

Article 3. Equal rights of men and women

14. Please indicate whether women suffer from discrimination, although the 1991 National Constitution accords men and women equal rights.

15. Please indicate whether the State party has followed the recommendation of the Committee on the Elimination of Discrimination against Women to raise the status of the National Office for Equality for Women so as to give it greater autonomy, and to eliminate sexist stereotypes in textbooks and the media.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6. Right to work

16. Please provide the Committee with detailed information on unemployment patterns over the past five years, broken down by region, economic sector, gender and age group.

17. Bearing in mind the strong presence of workers in the informal sector, please provide information on the number of such workers, by gender, age group and occupation, and the measures adopted by the State party for their protection.

18. Please supply information on the measures adopted by the State party to eradicate child labour and to prevent children from being exploited or from working in unhealthy and dangerous conditions. Please indicate whether the ILO Convention concerning Minimum Age for Admission to Employment (No. 138 of 1973) will be ratified in the near future.

19. Please indicate what unemployment benefits are granted under Social Security Law No. 100 and what assistance is granted to the high percentage of workers not covered by social security.

20. Please report on the measures adopted on behalf of agricultural workers, and please indicate whether coca farmers are being encouraged to grow alternative crops.

Article 7. Right to just and favourable conditions of work

21. Please provide statistics on occupational accidents and diseases over the past five years, by economic sector, gender and age group.

22. Please indicate whether workers' wage levels have improved in relation to the situation in 1995, as reported by the Defensoría del Pueblo, and provide information on the mechanism used to calculate the minimum wage.

23. Please indicate whether the State party has taken account of the Committee's recommendation (paragraph 14 of the Committee's previous concluding observations) concerning wage disparities between men and women, bearing in mind that Colombia is a party to the ILO Equal Remuneration Convention (No. 100 of 1951).

Article 8. Trade union rights

24. Please indicate whether the State party has acted on the Committee's recommendation (paragraph 16 of the Committee's previous concluding observations) and the observations made by the ILO Committee of Experts on the Application of Conventions and Recommendations to harmonize its legislation (article 486 of the Labour Code) with Convention No. 87 (Freedom of Association and Protection of the Right to Organise), and Convention No. 98 (Application of the Principles of the Right to Organise and to Bargain Collectively), extending these rights to federations and confederations and not only to first-level organizations.

25. Please provide detailed information about the specific measures taken by the State party to protect trade union leaders from falling victim to such crimes as intimidation, kidnapping and murder, and to ensure that those who are guilty of such crimes are brought to justice and punished.

26. Please indicate the number of strikes held over the past five years and state whether, in compliance with the successive appeals of the ILO Committee of Experts on the Application of Conventions and Recommendations made in relation with Convention No. 87 (Freedom of Association and Protection of the Right to Organise), a more flexible position has been adopted allowing for strike action, in accordance with the Convention.

Article 9. Right to social security

27. Bearing in mind that the report does not deal with the Colombian social security system, the Committee would like to receive detailed information regarding, inter alia, benefits in respect of common illnesses, occupational accidents and diseases, unemployment, retirement, as well as survivors' benefits, the amounts disbursed and how they are related to the minimum wage and their eligibility.

28. Given that a high percentage of the Colombian population does not enjoy social security protection, the Committee would like to know the steps being taken by the State party, legislative and otherwise, to improve the situation within the framework of its National Development Plan 1998-2002.

Article 10. Protection of the family, mothers and children

29. Please provide information on the scale of violence against women and children, including domestic violence, and the measures adopted to combat it. Please indicate whether abuse of women and children by husbands or fathers has been classified as a criminal offence under the Penal Code.

30. Pursuant to the previous issue, please state whether a bill submitted to Congress has been adopted, which, far from increasing penalties in relation to domestic violence against women, would decriminalize such violence, and instead give an administrative body jurisdiction to deal with the matter.

31. Please indicate the number and situation of children belonging to the most disadvantaged and marginalized groups, such as abandoned children, children with disabilities, children living or working in the streets and children of displaced persons, as well as the measures adopted and the results achieved in eradicating violence against such children, in combating child prostitution and in eradicating trafficking in body organs of such children.

Article 11. Right to an adequate standard of living

32. Please provide information on the course of fiscal reform and the influence it has had on the living standards of different strata of society, in particular the most disadvantaged, marginalized and poor sectors of the population (paragraph 21 of the Committee's previous concluding observations).

33. Please provide information concerning the results of the Agrarian Reform Bill aimed at eliminating poverty and inequality in the rural sector.

34. Please provide information on the results of the social housing programmes mentioned in the State party's periodic report, and their effect on the most disadvantaged and marginalized groups of society.

35. Please provide information, in accordance with the Committee's General Comment No. 7, on the number of homeless persons and of forced evictions.

Article 12. Right to physical and mental health

36. Please provide information on the percentage of the State and regional bodies' budgets allotted for health care over the past five years.

37. Please indicate whether the State party has adopted any measures to resolve the problem of illegal abortions and whether the Penal Code has been amended in order to decriminalize abortion in the event of rape.

38. Please indicate whether, under the National Plan for Sexual and Reproductive Health, information campaigns are being conducted on sexual education and family planning in accordance with the recommendations made in the Beijing Declaration and Platform for Action.

39. Please provide information on the incidence of sexually transmitted diseases, especially HIV-AIDS, and the measures adopted for their prevention and treatment.

40. Please indicate whether any special measures have been adopted to protect the health of the indigenous people, of Afro-Colombians and of displaced persons.

41. Please report on the measures that have been adopted in respect of the health care of older persons.

Articles 13 and 14. Right to education

42. Please provide more up-to-date information on the observance of the right to free and compulsory primary education in both urban and rural areas.

43. Please provide information on the causes for school absenteeism of many children between the ages of 6 and 11, as acknowledged in the periodic report, and please give up-to-date statistical information on rates of school absenteeism.

44. The Committee would welcome information regarding the fees and charges imposed in respect of education at the various levels of the education system in both public and private teaching establishments.

45. Please provide information on the importance attached to teaching human rights in the Colombian educational system, and in particular in teacher training and the training of public officials, the State security forces, judges and magistrates, etc, with particular emphasis on the right to gender equality.

46. Please provide information on the measures adopted to facilitate access of adults to education.

Article 15. Right to take part in cultural life

47. Please provide updated information on the benefits and assistance given to the population in general, and in particular to young persons, students, older persons, persons with disabilities and the disadvantaged and marginalized groups of society, to participate in and benefit from cultural activities in the State party.